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WALL, MARJAM & BILINSKI LLP

By:

Sarah A. Lockwood



PATENT  
Attorney Docket No.: 283-325

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Michael EHRHART

Application No.: 09/858,163

Filed: May 15, 2001

For: MULTIMODE IMAGE CAPTURE  
AND DECODING OPTICAL READER

Examiner: Kimberly D. Nguyen

Art Unit: 2876

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.97 and §1.98

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached the forms PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the cited references are enclosed. Also enclosed is a copy of the International Search Report corresponding to PCT Application No. PCT/US02/15095 dated February 12, 2002.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

Application No.: 09/858,163  
Page 2

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all of the possible relevant information.

Applicants believe that no fee is required for submission of this statement. However, if a fee is required, the Director is authorized to deduct such fee from the undersigned's Deposit Account No. 50-0289. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



George S. Blasiak  
Reg. No. 37,283

Wall Marjama & Bilinski LLP  
**Customer No. 20874**  
Telephone: (315) 425-9000  
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Date: June 18, 2004

GSB/sal

PTO/SB/21 (08-03) 2876

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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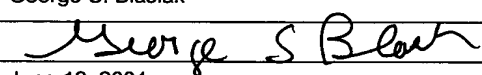
(to be used for all correspondence after initial filing)

<b>Application Number</b>	09/858,163		
	<b>Filing Date</b>	May 15, 2001	
	<b>First Named Inventor</b>	Michael EHRHART	
	<b>Group Art Unit</b>	2876	
	<b>Examiner Name</b>	Kimberly D. Nguyen	
<b>Total Number of Pages in This Submission</b>	11	<b>Attorney Docket Number</b>	283-325

## ENCLOSURES (check all that apply)


<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Information Disclosure Statement Under 37 CFR §1.97 and §1.98 (2 pp.), PTO/SB/08a (8 pp.), 1 Copy of Cited References A-IB (208 total); Return Mailroom postcard; and a Certificate of First Class Mailing.
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<b>Remarks</b>	<b>The Commissioner is authorized to charge any additional fees to Deposit Account No. 50-0289.</b>
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

<b>Firm or Individual name</b>	Wall Marjama & Bilinski LLP	
	George S. Blasiak	Reg. No. 37,283
<b>Signature</b>		
<b>Date</b>	June 18, 2004	

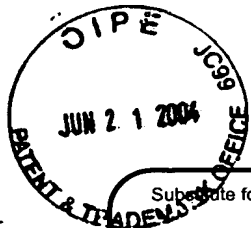
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<b>Signature</b>		<b>Date</b>	June 18, 2004

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet 6 of 8

**Complete if Known**

Application Number	09/858,163
Filing Date	May 15, 2001
First Named Inventor	Michael EHRHART
Art Unit	2876
Examiner Name	Kimberly D. Nguyen
Attorney Docket Number	283-325

**U.S. PATENT DOCUMENTS**

Examiner	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code <sup>2</sup> (if known)			
	FO	6,321,992 B1	11/27/2001	Knowles et al.	
	FP	6,330,975	12/18/2001	Bunte et al.	
	FQ	2001/0055422 A1	12/27/2001	Roustaei	
	FR	6,340,114	01/22/2002	Correa et al.	
	FS	6,347,163	2/12/2002	Roustaei	
	FT	2002/0039099 A1	04/04/2002	Harper	
	FU	6,398,112	06/04/2002	Li et al.	
	FV	6,494,375 B1	12/17/2002	Ishibashi et al.	
	FW	6,512,218	01/28/2003	Lanini et al.	
	FX	2003/0046192 A1	03/06/2003	Eguchi et al.	
	FY	6,539,360 B1	03/25/2003	Kadaba	
	FZ	6,641,046 B2	11/04/2003	Durbin	
	GA	6,681,994 B1	01/27/2004	Koenck	
	GB	6,688,523 B1	02/10/2004	Koenck	

**FOREIGN PATENT DOCUMENTS**

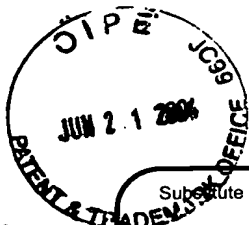
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	HA	EP	0392159A2		10/17/1990	Muroya Masami		<input type="checkbox"/>
	HB	EP	0350933	A2	01/17/1990	Matsushita Electric Industrial Co., Ltd.		
	HC	EP	0439682	A2	08/07/1991	Symbol Technologies, Inc.		
	HD	EP	0733991	A2	09/25/1996	Symbol Technologies, Inc.		
	HE	EP	0999514A1		05/10/2000	Datalogic S.P.A.		
	HF	EP	0910032	A2	04/21/1999	Welch Allyn, Inc.		
	HG	JP	63-311474 (w/Abstract)		12/20/1988	Iguma Haruhiko		<input type="checkbox"/>
	HH	JP	1-216486 (w/Abstract)		08/30/1989	Miyake Noriyuki		<input type="checkbox"/>
	HI	JP	03-020058 (w/Abstract)		01/29/1991	Okino Mashahide		<input type="checkbox"/>
	HJ	JP	4257844 (w/Abstract)		09/14/1992	Kimura Yoichi		<input type="checkbox"/>
	HK	JP	6-250775 (w/Abstract)		09/09/1994			

Examiner  
SignatureDate  
Considered

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet 7 of 8**Complete if Known**

Application Number	09/858,163
Filing Date	May 15, 2001
First Named Inventor	Michael EHRHART
Art Unit	2876
Examiner Name	Kimberly D. Nguyen
Attorney Docket Number	283-325

**FOREIGN PATENT DOCUMENTS**

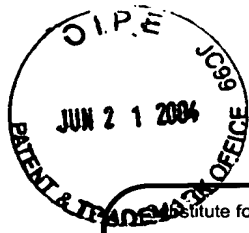
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	HL ✓	WO	92/02371		02/20/1992	Sean O'Brien		<input type="checkbox"/>
	HM ✓	WO	92/17861		10/15/1992	Gil Asher		<input type="checkbox"/>
	HN ✓	WO	95/13196		05/18/1995	Jack Soules		
	HO ✓	WO	95/24278		09/14/1995	Aviad Zlotnick		
	HP ✓	WO	95/34043		12/14/1995	United Parcel Service of America, Inc.		
	HQ ✓	WO	96/39676		12/12/1996	Mark Patel		
	HR ✓	WO	97/08647		03/06/1997	PSC, Inc.		
	HS ✓	WO	99/50736		10/07/1999	Xerox Corporation		
	HT ✓	WO	00/72246		11/30/2000	Silver-Brook Research Pty Ltd.		
	HU ✓	WO	01/22358		03/29/2001	Silver-Brook Research Pty Ltd.		
	HV ✓	WO	02/080520		10/10/2002	Siemens Dematic Postal Automation, L.P.		

Examiner  
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Considered

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Sheet 8 of 8

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Application Number	09/858,163
Filing Date	May 15, 2001
First Named Inventor	Michael EHRHART
Art Unit	2876
Examiner Name	Kimberly D. Nguyen
Attorney Docket Number	283-325

**NON PATENT LITERATURE DOCUMENTS**

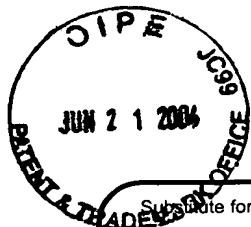
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	IA ✓	GONZALEZ; WOODS, "Digital Image Processing," Library of Congress, 10 pg. article, pages 417- 425 and pages 452-457; Copyright 1992 by Addison Wesley Publishing Company, Inc.	
	IB ✓	International Search Report for International Patent Application No. PCT/US02/15095 dated February 12, 2002.	

Examiner Signature		Date Considered	
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<sup>1</sup> EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>2</sup> Applicant's unique citation designation number (optional). <sup>3</sup> See Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>4</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>5</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>6</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>7</sup> Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE  
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Sheet 1 of 8

**Complete if Known**

Application Number	09/858,163
Filing Date	May 15, 2001
First Named Inventor	Michael EHRHART
Art Unit	2876
Examiner Name	Kimberly D. Nguyen
Attorney Docket Number	283-325

**U.S. PATENT DOCUMENTS**

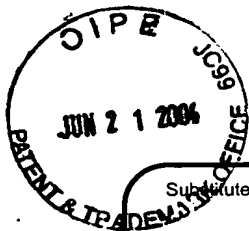
Examiner	Cite No. <sup>1</sup>	Document Number Number Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A	3,801,775	04/02/1974	Acker	
	B	3,902,047	08/26/1975	Tyler et al.	
	C	4,020,463	04/26/1977	Himmel	
	D	4,286,255	08/25/1981	Siy	
	E	4,335,303	06/15/1982	Call	
	F	4,387,298	06/07/1983	Petersen et al.	
	G	4,499,372	02/12/1985	Nakano	
	H	4,530,584	07/23/1985	Schmidt	
	I	4,544,064	10/01/1985	Felder	
	J	4,562,592	12/31/1985	Chainer et al.	
	K	4,581,762	04/08/1986	Lapidus et al.	
	L	4,588,211	5/13/1986	Greene	
	M	4,656,591	04/07/1987	Goldberg	
	N	4,760,248	7/26/1988	Swartz, et al.	
	O	4,776,464	10/11/1988	Miller et al.	
	P	4,794,239	12/27/1988	Allais	
	Q	4,832,204	05/23/1989	Handy et al.	
	R	4,835,372	5/30/1989	Gombrich et al.	
	S	4,855,842	08/08/1989	Hayes et al.	
	T	4,858,000	08/15/1989	Lu	
	U	4,868,757	9/19/1989	Gil	
	V	4,873,426	10/10/1989	Sama et al.	
	W	4,877,948	10/31/1989	Krueger	
	X	4,877,949	10/31/1989	Danielson et al.	
	Y	4,924,078	05/08/1990	Sant' Anselmo et al.	
	Z	4,948,955	08/14/1990	Lee et al.	
	AA	4,972,494	11/20/1990	White et al.	
	AB	5,010,241	4/23/1991	Butterworth	
	AC	5,019,699	5/28/1991	Koenck	
	AD	5,038,391	08/06/1991	Yamaguchi	
	AE	5,039,847	08/13/1991	Morii et al.	
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	AG	5,050,223	09/17/1991	Sumi	
	AH	5,054,102	10/01/1991	Gaborski	

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SignatureDate  
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Sheet 2 of 8**Complete if Known**

Application Number	09/858,163
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First Named Inventor	Michael EHRHART
Art Unit	2876
Examiner Name	Kimberly D. Nguyen
Attorney Docket Number	283-325

**U.S. PATENT DOCUMENTS**

Examiner	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code <sup>2</sup> (if known)			
	AI	5,102,110	04/07/1992	Reynolds	
	AJ	5,103,489	04/07/1992	Miette	
	AK	5,119,433	06/02/1992	Will	
	AL	5,120,940	06/09/1992	Willsie	
	AM	5,134,669	07/28/1992	Keogh et al.	
	AN	5,138,140	08/11/1992	Siemiatkowski et al.	
	AO	5,138,141	08/11/1992	Blanford et al.	
	AP	5,199,081	03/30/1993	Saito et al.	
	AQ	5,199,084	03/30/1993	Kishi et al.	
	AR	5,212,777	5/18/1993	Gove et al.	
	AS	5,237,625	08/17/1993	Yamashita et al.	
	AT	5,243,655	09/07/1993	Wang	
	AU	5,262,623	11/16/1993	Batterman et al.	
	AV	5,262,871	11/16/1993	Wilder et al.	
	AW	5,278,399	01/11/1994	Sano	
	AX	5,291,243	03/01/1994	Heckman et al.	
	AY	5,296,689	3/22/1994	Reddersen et al.	
	AZ	5,296,690	03/22/1994	Chandler et al.	
	BA	5,296,960	03/22/1994	Ellingson et al.	
	BB	5,299,116	03/29/1994	Owens et al.	
	BC	5,301,243	04/05/1994	Olschafskie et al.	
	BD	5,304,423	04/19/1994	Niknafs et al.	
	BE	5,304,786	04/19/1994	Pavlidis et al.	
	BF	5,307,423	04/26/1994	Gupta et al.	
	BG	5,313,051	05/17/1994	Brigida et al.	
	BH	5,317,388	05/31/1994	Surka et al.	
	BI	5,331,151	07/19/1994	Cochran et al.	
	BJ	5,331,176	7/19/1994	Sant' Anselmo	
	BK	5,337,361	08/09/1994	Wang et al.	
	BL	5,354,977	10/11/1994	Roustaei	
	BM	5,375,226	12/20/1994	Sano et al.	
	BN	5,378,883	01/03/1995	Batterman et al.	
	BO	5,392,447	2/21/1995	Schlack et al.	
	BP	5,396,054	3/7/1995	Krichever et al.	

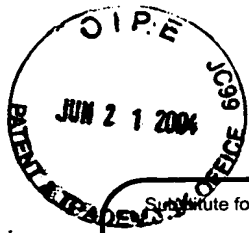
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Sheet 3 of 8

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Application Number	09/858,163
Filing Date	May 15, 2001
First Named Inventor	Michael EHRHART
Art Unit	2876
Examiner Name	Kimberly D. Nguyen
Attorney Docket Number	283-325

### U.S. PATENT DOCUMENTS

Examiner	Cite No. <sup>1</sup>	Document Number Number Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	BQ	5,399,846	03/21/1995	Pavlidis et al.	
	BR	5,410,141	04/25/1995	Koenck et al.	
	BS	5,413,383	05/09/1995	Laurash et al.	
	BT	5,414,251	05/09/1995	Durbin	
	BU	5,420,403	05/30/1995	Allum et al.	
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	BW	5,421,778	06/06/1995	Kouramanis	
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	CB	5,467,411	11/14/1995	Tanaka et al.	
	CC	5,471,533	11/28/1995	Wang et al.	
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet 4 of 8**Complete if Known**

Application Number	09/858,163
Filing Date	May 15, 2001
First Named Inventor	Michael EHRHART
Art Unit	2876
Examiner Name	Kimberly D. Nguyen
Attorney Docket Number	283-325

**U.S. PATENT DOCUMENTS**

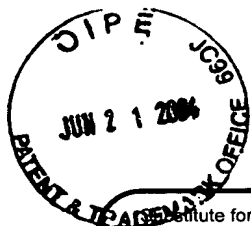
Examiner	Cite No. <sup>1</sup>	Document Number Number Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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	DA	5,642,442	06/24/1997	Morton et al.	
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	DL	5,726,981	03/10/1998	Ylivero et al.	
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	DO	5,760,382	06/02/1998	Li et al.	
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			Application Number	09/858,163
			Filing Date	May 15, 2001
			First Named Inventor	Michael EHRHART
			Art Unit	2876
			Examiner Name	Kimberly D. Nguyen
Sheet 5 of 8	Attorney Docket Number	283-325		

U.S. PATENT DOCUMENTS					
Examiner	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code <sup>2</sup> (if known)			
	EG	5,892,824	04/06/1999	Beatson et al.	
	EH	5,917,925	06/29/1999	Moore	
	EI	5,917,945	06/29/1999	Cymbalski	
	EJ	5,920,056	07/06/1999	Bonnet	
	EK	5,929,418	07/27/1999	Ehrhart et al.	
	EL	5,949,052	09/07/1999	Longacre, Jr. et al.	
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	FM	6,285,916	09/04/2001	Kadaba et al.	
	FN	6,290,132	09/18/2001	Dickson et al.	

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